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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,122	11/26/2001	Siegfried Bocionek	P01,0429	7331
26574	7590	06/10/2005	EXAMINER	
SCHIFF HARDIN, LLP PATENT DEPARTMENT 6600 SEARS TOWER CHICAGO, IL 60606-6473				NGO, KIET TUAN
		ART UNIT		PAPER NUMBER
		2195		

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/994,122	BOCIONEK, SIEGFRIED
	<b>Examiner</b>	<b>Art Unit</b>
	Kiet T. Ngo	2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 November 2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 26 November 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
- 1) Certified copies of the priority documents have been received.
  - 2) Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/21/02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

1. Claims 1 – 6 are pending in this application.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1 - 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

- (i) "the respective received signals" in claim 1.
- (ii) "said detector" in claim 2.
- (iii) "said diagnostic cases" in claim 5.

B. The following claim language is indefinite:

(i) as per claim 1, lines 18 – 20, it is not clearly understood what is meant by "the respective work list management units" (i.e. is the system have one task generator or each computer workstation have a respective task generator?);

Lines 20 – 21, it is unclear what is meant by "the respective received signals" (i.e. what type of signal? Where the signal originated? How this signal is generated?)

Line 21, it is unclear how an “evaluation device reacts” with respect to the managing of usage of computer workstations (i.e. what type of signal that the evaluation device received that affect the managing of computer performance?);

(ii) as per claims 2, line 3, and claim 3, line 3, it is not clearly indicated where the “input value” is being received from. (i.e. where is this value generated and how is the origin of this input value significant to the comparing of cases in worklist to the input value?);

Lines 3 and 5, is not clearly understood what the relationship among the “number of pending cases”, “input value” and “a request threshold” (i.e. How the request signal is generated based on these three values?);

(iii) as per claim 6, line 6, and lines 8 – 9, it is unclear as to what a “request threshold” and a “saturation threshold” is in terms of work load of diagnostic cases when transmitting a signal to a task generator. (i.e. how are these thresholds being determined? Is there a set limit of cases or are they being determined based on other computer workstations performance?).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1- 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson et al. (hereafter Watson) (U.S. Patent #5,021,942) in view of Fuchs U.S. Patent (#6,418,475).

6. As per claims 1 and 6, Watson teaches the invention substantially as claimed including a system architecture comprising:

a plurality of modalities for acquiring images [10, Figure 1; col. 2, lines 8 – 9];

a plurality of computer workstations respectively allocated to the modalities for processing the respective examination images [10, Figure 1];

a transmission device [28, Figure 2] connected to said computer workstations for transmitting said examination images to a location remote from said computer workstations [col. 2, lines 26 - 30];

a memory connected to said transmission device for storing said examination images [12, Figure 1, Figure 2];

a further computer workstation connected to said transmission device for post-processing said examination images [10, Figure 1];

each of said computer workstations and said further computer workstations containing a work list manager unit [col. 2, lines 52 – 59; 23, Figure 2; col. 3, lines 6 – 7] in which a work list is stored and which has a detector that determines usage of that computer workstation dependent on the stored work list; and

a task generator [13, Figure 1] in communication via said transmission device [28, Figure 2] with the respective work list management units of the computer

workstations and the further computer workstation, said task generator including an evaluation device which reacts to the respective received signals [col. 3, lines 8 – 13] from said computer workstations and said further computer workstation to manage usage of the computer workstations and the further computer workstation [Figure 3; col. 3, lines 12 – 15].

7. Watson does not expressly teach that the system is a medical image system.

However, Fuchs teaches a medical system [Figure 2].

8. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Watson and Fuchs because Fuchs' teaching of using it in the medical system would increase the field of use in Watson's system.

9. As per claim 2, Watson teaches of generating signal and transmitting the signal to the task generator to indicate the workload of the workstations [col. 3, lines 11 – 15; 27 – 41].

10. As per claim 3, it encompasses the same subject matter as that of claim 2 except it produces a saturation signal that is generated when workload at a computer exceeds a saturation threshold. As such the claim is rejected for the reasons as that of claim 2.

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11. As per claim 4, Watson discloses having multiple Active Packet Schedulers with one for each node [25, Figure 2; col. 2, lines 52 – 67].

12. As per claim 5, Fuchs discloses a server [14, Figure 2], with routing devices [15 – 16, Figure 2] which forward diagnostic cases to respective workstations dependent on the respective signals received by task generator [col. 3, lines 3 – 6].

### **CONCLUSION**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Remote Access Medical Image Exchange System and Methods of Operation Therefor" DiRienzo U.S. Patent (#6,006,191).

"File Server System and File Access Control Method of The Same" Akizawa U.S. Patent (#5,548,724).

"Radiological Image Interpretation Apparatus and Method" Pinsky U.S. Patent (#5,469,353).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kiet T. Ngo** whose telephone number is **(571)272-6451**. The examiner can normally be reached on Mon. - Fri. 830-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-An Ai can be reached on (571)272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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